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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING  
2  
3 UNITED STATES PATENT AND TRADEMARK OFFICE  
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5  
6 BEFORE THE BOARD OF PATENT APPEALS  
7 AND INTERFERENCES  
8

9  
10 Ex parte JAMES B. POPP and ARTHUR J. BENJAMIN  
11

12  
13 Appeal 2008-1128  
14 Application 09/837,228  
15 Technology Center 2600  
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17  
18 Oral Hearing Held: April 15, 2008  
19

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21  
22 Before KENNETH W. HAIRSTON, ROBERT E. NAPPI, and KARL D.  
23 EASTHOM, Administrative Patent Judges  
24

25 ON BEHALF OF THE APPELLANTS:  
26

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33 The above-entitled matter came on for hearing on Tuesday, April 15,  
34 2008, commencing at 9:00 a.m., at The U.S. Patent and Trademark Office,  
35 600 Dulany Street, Alexandria, Virginia, before Virginia Johnson, Notary  
36 Public.  
37

1 MS. BOBO-ALLEN: Good morning, Calendar Number 38, Appeal  
2 Number 2008-1128, Mr. Kent.

3 JUDGE HAIRSTON: Okay. Thank you.

4 MS. BOBO-ALLEN: Um-hum.

5 JUDGE HAIRSTON: Good morning.

6 MR. KENT: Good morning, Your Honors.

7 JUDGE HAIRSTON: You may begin.

8 MR. KENT: Thank you. Before I begin, I'd just like to apologize for  
9 my voice and my -- the possibility that I might cough during the oral  
10 hearing here. I am coming or I'm trying to overcome a cold.

11 JUDGE HAIRSTON: You're far enough away.

12 MR. KENT: Okay, I'll, I'll cough in this direction. Thank you.  
13 Thank you for your understanding, and also I just -- I would like to point out  
14 that to the extent that I appear familiar with the process, I apologize this is  
15 my first time before the Board. So, I appreciate that.

16 What I'd like to do this morning first off is provide a little bit of  
17 technical perspective before we dive right into the Claim rejections.

18 JUDGE HAIRSTON: Okay.

19 MR. KENT: And, so what I'd like to do is just discuss the technical  
20 issues involved and what was trying to be overcome in this particular  
21 situation. As it turns out, the Assignee in this case, as you may be aware, is  
22 FedEx Corporation. And, I'm sure you're aware that a large part of their  
23 business is air cargo and air freight.

24 A number of years ago they had a 727 that experienced a fire  
25 catastrophe for lack of a better word. The, the fire in the cargo area started  
26 and by the time they landed, they were very lucky in fact to land the plane

1 before it became catastrophic. But, once they got on the ground, the plane  
2 burned to the ground. So, at that point, they decided to get their technical  
3 people together and see if they couldn't come up with a way to provide a  
4 better system for detecting and suppressing fires.

5 There's a, there's a interesting aspect with, with airplane cargo in that  
6 if you're flying over seas, you may be a very long way from a landing strip,  
7 and so you're, you're in a situation where you're going to have to, at least,  
8 contain the fire for perhaps as many as three hours.

9 So, one of the problems --

10 JUDGE HAIRSTON: Pilot's worse nightmare, the point of no  
11 return.

12 MR. KENT: Oh, exactly.

13 JUDGE HAIRSTON: Yeah, worse nightmare.

14 MR. KENT: Definitely. One of the problems with cargo -- detecting  
15 fire in cargo that's unique to cargo is the cargo itself is remote from people.  
16 If you're a pilot in a plane, for example, you're not back in the cargo area,  
17 you, you don't, you can't smell smoke. You don't understand that  
18 something is heating up.

19 The other problem is even if you knew the fire was there, how do you  
20 get fire extinguishing agent to the cargo that's effective. In, in the cargo  
21 aircraft environment we have what we call storage units. And, in storage  
22 units in the cargo industry, at least in aircraft, come in at least two forms.  
23 One is shipping containers, and the other is pallets.

24 Now, what can happen with the way these are packed onto a cargo  
25 aircraft or perhaps even some other cargo vehicle, there are not aisles  
26 between cargo containers so that people can access them. For example, if

1 there's one in the middle that's experiencing a problem, it's not like you can  
2 get to it personally unless you were able to climb over stuff.

3 JUDGE HAIRSTON: Most of these cargo containers are form-fitted  
4 to the undercarriage, right?

5 MR. KENT: Yeah, they --

6 JUDGE HAIRSTON: The belly of the plane.

7 MR. KENT: -- have the, they fit in rails so they won't move around.  
8 But, yes, I mean there, there's, there's a science to putting these things in  
9 the, in the cargo area so that they can get more it. But, typically, you'll have  
10 cargo containers and pallets. And, with pallets, they'll put a blanket over top  
11 of the -- whatever is stacked on the pallet to help hold it in place as well as a  
12 cargo net. So, they don't have things falling all over the place as they, you  
13 know, bank and turn or if it's, you know, some other type of vehicle if  
14 they're going around corners to whatever.

15 But, what will happen, apparently, is you may have ignition of  
16 something in a container under a pallet. Well, that presents a problem  
17 because you don't really know it's in there heating up, but what happens is it  
18 builds up heat, builds up heat, builds up heat until it ruptures either blanket  
19 on the pallet or the cargo container itself. But, by the time it ruptures, once  
20 it ruptures, the container or the blanket, it gets oxygen and then it becomes,  
21 essentially, an uncontrolled fire, and then you have a real problem.

22 But, what this, what this brings up is two real technical goals; one  
23 identifying the heat in the cargo or the storage unit before that happens, and  
24 two, supplying extinguishing agent to that particular storage unit before it  
25 becomes a problem. But, there's also another added factor here; with an

1 airplane you can't carry an unlimited supply of extinguishing agent. It's too  
2 heavy and it takes up too much space.

3 And, something else that's unique to cargo is the storage units  
4 themselves are removed or repositioned when you get wherever you're  
5 going. So, this is kind of an interesting situation. So, what Mr. Popp and his  
6 colleagues have come up is -- are two, two exemplary systems; one is a  
7 container based system, and one is a cargo area based system. And, the  
8 container based system you have, essentially, a device that includes a sensor  
9 and an extinguishing agent bottle. And, they're placed wither under the  
10 blanket on the pallet or within the container for a container. And, the  
11 container itself will have a small hole in it or the blanket will have a hole in it  
12 and a -- the extinguishing agent will be expelled upon melting of a thermal  
13 plug type valve in the extinguishing agent bottle. So, what'll happen is, for  
14 example, if you have a container you start getting heat. There's some sort of  
15 an ignition going on. It's smoldering, it's smoldering. Heat is building up.  
16 Your thermal plug melts. It releases the extinguishing agent inside that  
17 container alone and by virtue of the hole in the container, there's a  
18 transmitter that sends a signal to a receiving unit inside the cargo area at  
19 some point that's within range.

20 Now, that receiving unit sends a signal onto the cockpit, and notifies  
21 somebody; hey, we got a problem back here. We had a fire extinguisher go  
22 off in one of the units. And, you can, you can set it up so that the particular  
23 unit or the particular location in the cargo area is identified as well. But, at  
24 least that let's the pilot know; I need to start looking for a place to land.

25 Now, with the cargo area based system, essentially, what you have is  
26 you have a detection device on the container or on the blanket of the pallet

1 that says okay, it's hot in here, we need to start doing something. So, it  
2 sends a signal to the receiver. The receiver sends a signal to a controller,  
3 and the controller says, okay, we got a problem. It sends a signal to the  
4 cockpit, but underneath, for example, the pallets and containers there's a  
5 pop-up system. And, the pop-up system what it does is there's a hole in the  
6 bottom of the container or in the pallet and a pop-up system comes up  
7 underneath the container and the pallet and sprays extinguishing agent into  
8 that particular container or pallet.

9 So, and in this particular system, instead of having a bottle unique to  
10 each container or location, you'll have, for example, a, a manifold system in  
11 the floor where extinguishing agent can be transferred from a reservoir to  
12 that particular container. So, anyway, without further ado, let me start in on  
13 the claims and the rejections.

14 Essentially, there are five independent claims at issue: Claims 1, 18,  
15 43, 52 and 60. And, really, I think there's, there's one claim rejection that  
16 applies to all of those. And, there's a, a handful of issues that apply with the  
17 claim rejections. The claim rejection in under 103 and it's based on U.S.  
18 Patent Number 4058167 to Granek. And, published PCT Application  
19 W093312839 to Powell. Now, something is interesting -- let me just start  
20 out on Claim 1, for example. Claim 1 recites a system for detecting and  
21 suppressing a fire condition in a storage unit for storing freight in a storage,  
22 in a storage area containing a plurality of storage units.

23 There's an interesting aspect to these claim rejections. First, the  
24 Granek reference deals with putting out fires in an apartment building. And,  
25 the Granek system has a, a conduit system that goes into various, goes into  
26 each department building within -- or each apartment within the apartment

1 building. It has a heater, heat or smoke alarm, or smoke detector in each  
2 unit. And, if a particular unit's smoke or heat detector goes off, the fire, the  
3 -- well, what is essentially water in this case, water is sprayed in that  
4 particular apartment unit. The Examiner has kind of taking the position it  
5 looks like it's a little bit difficult to tell, but it looks like he said, look,  
6 apartment building with individual apartments is analogous to a storage area  
7 with storage units. Okay, and then he said, well, that's -- he said that you,  
8 that particular use is an intended use. And, then he's looked to Powell and  
9 said Powell teaches a cargo aircraft and a fire extinguishing system where  
10 the fire extinguishing agent is pumped into the cargo area. And, so based on  
11 the idea that Granek's intended use is an apartment building, individual  
12 apartments in an apartment building, it would be obvious to look for another  
13 intended use, and use that system in a cargo plane.

14 JUDGE HAIRSTON: But, your Claim is not limited to a cargo area  
15 in a, in a hole of a plane.

16 MR. KENT: But, the claims are limited to a system for detecting and  
17 suppressing a fire condition in a storage unit for storing freight in a storage  
18 area, and containing --

19 JUDGE HAIRSTON: Freight can be stored anywhere.

20 MR. KENT: -- a plurality of --

21 JUDGE NAPPI: And, freight could be anything too.

22 MR. KENT: Well --

23 JUDGE NAPPI: Everything in this room was freight at one point in  
24 time.

25 MR. KENT: But, but, if you, if you interpret storage units in light of  
26 the specification not just by itself, it's clear to somebody having ordinary



1 skill in the art that storage units is more than merely a room or an apartment  
2 in an apartment building.

3 JUDGE NAPPI: I don't know, when I read storage unit, I think of  
4 the self-service storage you see, you know, in, in industrial parks where  
5 people drive up and put equipment stored in there. That's what, you know,  
6 if I were to hear somebody talk about storage units. That's what I would  
7 think about.

8 MR. KENT: Right.

9 JUDGE NAPPI: And, what -- and, if I were to read that claim, I  
10 would say, hey a storage room is a place where people store things, and, and  
11 a storage area is a place where's there's a whole bunch of them

12 MR. KENT: Right.

13 JUDGE NAPPI: And, why wouldn't you use a fire suppression  
14 system similar to what's used in other buildings in a place like that.

15 MR. KENT: When you say a place like that, are you talking about,  
16 you know --

17 JUDGE NAPPI: A, a self-service storage place.

18 MR. KENT: Okay. Well, I, I agree. I think that that's a good point,  
19 but I think if you read, if you interpret the claim language in light of the  
20 specification, storage unit I don't think is reasonable to say a storage unit is  
21 any room that you can put stuff in.

22 JUDGE NAPPI: So, what should we interpret storage unit as being?

23 MR. KENT: Well, pallets, pallets or containers.

24 JUDGE NAPPI: Haven't you specifically claimed pallets and  
25 containers in Claim 18?

26 MR. KENT: Yes, we have.

1 JUDGE NAPPI: Okay, so under the principles of Claim  
2 Differentiation, shouldn't the term storage unit, when it's not limited to the  
3 pallets and containers, be broader than --

4 MR. KENT: Sure.

5 JUDGE NAPPI: -- just pallets and containers.

6 MR. KENT: I can, I can agree with that point.

7 JUDGE NAPPI: So, why isn't a room where you store -- a room  
8 where freight is stored considered to be a storage unit?

9 MR. KENT: Well, I, I think that if you say, okay, fine, you've  
10 recited it in a claim; how's that different than if you don't recite containers  
11 and pallets? But, there's -- I think there's -- it's one of those things where  
12 do you draw the line? I don't think necessarily because you don't claims  
13 containers and pallets that storage unit is necessarily interpreted correctly as  
14 broad as a room that includes anything.

15 JUDGE NAPPI: So, where do we draw the line?

16 MR. KENT: Well, I think if you, as I said, if you read storage unit in  
17 light of the, of the claim and the specification; storage units we're talking  
18 about something involved with cargo here. We're not talking about cargo  
19 and freight. We're not -- and the Examiner even indicated that he  
20 considered it be freight when he says, well, Granek doesn't teach freight, but  
21 Powell does.

22 So, I think even the Examiner is understanding that storage units has  
23 to be interpreted a little more narrowly than merely a room in a building.

24 JUDGE HAIRSTON: But, during the administrative process we  
25 have to give the broadest reasonable interpretation. I mean, we look to the  
26 spec on the 112 Second for an understanding of the invention, but we don't

1 look to the spec in a prior art rejection. We rarely look to the spec because  
2 we, we find ourselves reading those limitations from the spec into the claim.  
3 There's, there's -- they tell us to look to the spec for an understanding. Case  
4 Law from the CAFC tells us to look to the spec when understanding of the  
5 invention under 112 second. But, under 102/103, they've admonished us for  
6 doing that. They say don't look to spec because we have to get a claims  
7 during the administrative process have to give claims their broadest  
8 reasonable interpretation. So, there's case law that says do not read the  
9 limitations from the spec into the claims for --

10 MR. KENT: Right, and I --

11 JUDGE HAIRSTON: -- purposes of looking at it for a prior art  
12 purpose --

13 MR. KENT: I agree --

14 JUDGE HAIRSTON: -- rejection.

15 MR. KENT: -- that the guidance from the Federal Circuit is  
16 sometimes difficult to understand --

17 JUDGE HAIRSTON: Yes, yes it is.

18 MR. KENT: -- and sometimes conflicting.

19 JUDGE HAIRSTON: Yes.

20 MR. KENT: But, I, I think when you say the broadest reasonable  
21 interpretation, the broadest reasonable interpretation is the interpretation that  
22 somebody skilled in the art would have, not the dictionary.

23 JUDGE HAIRSTON: But, the, the broadest -- the skilled artisan  
24 would probably look to storage broadly, and how do you protect the, protect  
25 what's in that container or storage room from fire or whatever. And, that,  
26 it's -- this problem is not limited to the belly of a cargo hold in a plane. It,

1 it's -- cargo being damaged by fire could be in the storage containers,  
2 storage units that you find in industrial parks as Judge Nappi mentioned.

3 MR. KENT: Right.

4 JUDGE HAIRSTON: It could be an apartment building where they  
5 store furniture for people who, who leave it for a period of time. I mean,  
6 that's why you have fire extinguishers, the sprinkler systems.

7 JUDGE NAPPI: In fact, isn't that consistent with your spec? I mean  
8 on Page 4 you say finding this problem of detecting and suppressing fires is  
9 not limited to the freight shipping industry. It is a problem wherever freight  
10 or other articles or items are stored in a location that is remote from the  
11 owner.

12 MR. KENT: Right, but even there we're not, we're not talking about  
13 storage units, we're saying, we're just acknowledging that fire is an issue  
14 anywhere where you're storing something.

15 JUDGE NAPPI: Yes.

16 JUDGE HAIRSTON: You have a broad variety of applications, and  
17 a broad variety, but you got a pretty broad thing. It says anywhere that, that  
18 fire is not under direct supervision of the owner. Your, your invention  
19 applies on Page 4.

20 MR. KENT: Right, what lines are these?

21 JUDGE HAIRSTON: I'm looking at Line 11.

22 MR. KENT: (Indiscernible).

23 JUDGE HAIRSTON: Plus, you talk about articles anywhere stored.

24 MR. KENT: Right, and we're just saying that this problem is  
25 inherent to all these different issues, but when we get to the claims and we

1 start using the actual storage unit terminology that's where I think there's a  
2 distinction.

3 JUDGE HAIRSTON: Well, let me ask you this question from  
4 another direction. Would you agree that the airplane is a storage area to  
5 meet your claim within the scope of your claim? The storage area, the  
6 airplane would be the storage area, right, because you put storage units in a  
7 storage area so the airplane is the storage area?

8 MR. KENT: I wouldn't say the airplane itself is a storage area. I'd  
9 say the airplane -- some point within the airplane has --

10 JUDGE NAPPI: The cargo --

11 MR. KENT: -- a storage area.

12 JUDGE NAPPI: -- the cargo hold.

13 MR. KENT: Yes, the cargo hold.

14 JUDGE NAPPI: But, FedEx planes are configured so that the whole  
15 body of the plane is, is a cargo hold.

16 MR. KENT: Well, I mean the cockpit --

17 JUDGE NAPPI: Yeah.

18 MR. KENT: -- and there are other -- and the fuel tank; those aren't  
19 the storage areas.

20 JUDGE NAPPI: Yeah, they're in the wings.

21 JUDGE HAIRSTON: There's a fuselage, so the aircraft would be the  
22 storage area.

23 JUDGE NAPPI: Yeah, right.

24 MR. KENT: Yeah, okay, but not the entire plane.

1 JUDGE HAIRSTON: Going over to Powell reference he talks about  
2 fire extinguisher system for a cargo hold. Okay. He also acknowledges that  
3 there could be plural cargo holds on the aircraft.

4 MR. KENT: Right.

5 JUDGE HAIRSTON: And, each would have a separate fire  
6 suppression system

7 MR. KENT: Right.

8 JUDGE HAIRSTON: So, going on with the storage area being the  
9 fuselage of the aircraft, why couldn't the individual cargo holds meet these  
10 storage units because that's a unit --

11 MR. KENT: Well, I, I --

12 JUDGE HAIRSTON: -- in which you store -- where you store cargo,  
13 freight.

14 MR. KENT: Right, I think I think each individual cargo hold would  
15 be a storage area.

16 JUDGE HAIRSTON: Okay.

17 MR. KENT: And, then you have storage units within that cargo  
18 within that storage area.

19 JUDGE HAIRSTON: Why wouldn't the aircraft itself be the storage  
20 area?

21 MR. KENT: Well, there's more to the aircraft the just where you  
22 store the freight.

23 JUDGE HAIRSTON: Their claim doesn't say that the storage area  
24 only has to contain cargo units -- or storage units.

25 MR. KENT: No, that's true, but I still think if you come back to  
26 storage units again, and you give it the broadest reasonable interpretation to

1 a person having ordinary skill in the art that person would understand the  
2 storage units being something other than rooms; something other than rooms  
3 in an apartment building, certainly.

4 JUDGE HAIRSTON: So, the people -- if the apartment owner, the  
5 apartment building owner decides to he needs to store a bunch of furniture  
6 for, for, for various reasons, for example, we have it in here. We have a  
7 room where we store all the extra chairs for this, for this room. Is that a  
8 storage area or is that a room?

9 MR. KENT: That's a storage area.

10 JUDGE HAIRSTON: Okay. So, that room has he same fire  
11 suppression as the rest of this building does.

12 MR. KENT: Right, but it doesn't have storage units in it. It's a  
13 storage area. The claim recites both storage area and storage units.

14 JUDGE HAIRSTON: Okay.

15 MR. KENT: I think it's a nested situation.

16 JUDGE HAIRSTON: And, if we have more than one of those in the  
17 building, you're saying we have more than one storage area and not storage  
18 units.

19 MR. KENT: Right.

20 JUDGE NAPPI: Can you move onto the -- we're running over. So,  
21 you had 20 minutes, but we're going to give you extra time because we  
22 asked you a lot of questions.

23 MR. KENT: Okay.

24 JUDGE NAPPI: So, continue.

25 MR. KENT: All right, there's -- I think we discussed the storage unit  
26 issue at length.

1 JUDGE HAIRSTON: Yes, we.

2 MR. KENT: The other issue in this, in the rejection deals with  
3 infrared transmission.

4 JUDGE HAIRSTON: Um-hum.

5 MR. KENT: And, let me just -- if you'll give me just a second here.

6 JUDGE HAIRSTON: Which claim was that?

7 MR. KENT: I believe Independent Claims 18, Independent Claim  
8 52.

9 JUDGE HAIRSTON: Um-hum. Okay.

10 MR. KENT: Those two claims recite the infrared transmission  
11 aspect.

12 JUDGE HAIRSTON: Okay.

13 MR. KENT: Now, infrared transmission aspect is important in this  
14 situation because it's an airplane. And, in an airplane, as you probably are  
15 well aware, you can't use your cell phone because you don't want to have  
16 transmissions that interfere with the, the operation of the plane. Well, the  
17 Examiner has said well, it would be obvious so that you don't have  
18 situations where you interfere with transmissions to substitute the  
19 transmission system in Granek with an infrared system. Well, I guess our  
20 issue --

21 JUDGE HAIRSTON: Well, knowing the problem, knowing that you  
22 can't have spurious radio signals going around in an airplane, wouldn't a  
23 skilled artisan know to turn to some signal that could be transmitted that  
24 wouldn't interfere with the, the signals going back and forth between the  
25 cockpit and the controls?



1           MR. KENT: Yes, but the issue here is you're starting with Granek  
2 which is an apartment building with rooms. Interference isn't an issue in an  
3 apartment building with rooms. In order to make the leap to the problem,  
4 you need to get out of the apartment building environment. And, so, you  
5 know, we go back again to how relevant is the apartment buildings with  
6 rooms to --

7           JUDGE EASTHOM: Well, didn't, didn't we have communication  
8 problems, you know, during 9/11 with, you know, different radios  
9 interfering with each other even in the apartment context, I think, you can --  
10 I don't think it's much of a stretch to say you can have --

11          MR. KENT: Yeah, but in that situation then you wouldn't use --  
12 that's a good point, but in that situation, you wouldn't use infrared because  
13 infrared is line of sight.

14          JUDGE EASTHOM: That's a good point.

15          MR. KENT: So, I don't think that would be helpful to that situation.

16          JUDGE NAPPI: Just back you up for a second. You keep saying  
17 Granek is, is, is directed to apartment buildings. My read on Granek is it's  
18 directed to a conduit and interaction between the conduit and the fire  
19 suppression system. And, he just talks about that it may be used in  
20 apartment buildings. I mean, he says this is a fire suppression system, and  
21 the whole purpose of it is to make a conduit that's light weight. And, isn't,  
22 isn't that the same, you know, that's not filled with water. And, isn't that the  
23 same thing that, that Powell is talking about as far as his suppression system.  
24 You're using an existing water tank, and you're not filling it with water.

25          MR. KENT: Well, I think, I think the read on Granek is that  
26 somebody skilled in the art would look at Granek and say he's using this in

1 an apartment building and he's using it for rooms in an apartment building;  
2 and, I agree that the narrow --

3 JUDGE NAPPI: And, so you're saying it's only limited to apartment  
4 buildings?

5 MR. KENT: Well, he says, you know, the invention relates to fire  
6 protection, actual apparatus, and more particularly for installation in a  
7 building intended for distributing fire extinguishing fluid selectively from a  
8 central source to areas where fire hazard has arisen.

9 JUDGE NAPPI: I mean, I don't know, where did you just read from?

10 MR. KENT: Oh, this is the field of the invention. This invention  
11 relates to --

12 JUDGE NAPPI: Okay, and then the next one it says it is especially  
13 advantageous, but that doesn't say he's limited to.

14 MR. KENT: No, it -- but, I think the thing you come away from  
15 Granek with is this is for a building, not an air cargo plane or for, you know,  
16 a storage area with storage units.

17 JUDGE NAPPI: All right.

18 JUDGE HAIRSTON: Okay, I'm going to have to ask you to sum up  
19 because --

20 MR. KENT: Okay.

21 JUDGE HAIRSTON: -- we've, we've run over, okay.

22 MR. KENT: All right, well I appreciate the extra time.

23 JUDGE HAIRSTON: No, we ask you a lot of questions.

24 MR. KENT: Sure, sure.

25 JUDGE HAIRSTON: Okay.

1 MR. KENT: And, I appreciate your thoughtful and insightful  
2 questions, but I think here the point is that given these two references, the  
3 Granek and the Powel reference, a person having skill in the art would not  
4 have found the differences between the claims and those two references  
5 obvious. I think a reasonable interpretation of the term storage units in light  
6 of the specification an in light of what somebody of ordinary skill in the art  
7 would read into those is narrower than rooms is an apartment building. And,  
8 that further, looking at Granek and Powell together, you would not come up  
9 with that different interpretation because neither Granek or Powell talk about  
10 storage units within the storage area.  
11 Powell talks about different cargo areas and even I'll say this, different areas  
12 within a cargo area, but he never addresses the problem of storage units  
13 within the storage area.

14 JUDGE EASTHOM: Can I interrupt you? I'm sorry, I'm just  
15 rereading your claim and I guess this is where maybe some of us are having  
16 a problem, but you say that the storage units, Claim 18, comprising at least  
17 one of a container and a pallet. So, a storage unit doesn't just, isn't just a  
18 container. It can be a container, several containers and several pallets.

19 MR. KENT: Right.

20 JUDGE EASTHOM: So, that suggests to me that it's a room with  
21 some, something bigger than a container.

22 MR. KENT: I, I think that's a good point. Now, that's on Claim 18?

23 JUDGE EASTHOM: Right, Line 5. I think I'm reading the right  
24 claim. I hope I'm not reading the old claims.

25 MR. KENT: Well, the claim recites a plurality of storage units, and  
26 then the storage units comprising at least one of a container and a pallet. So,

1 the storage units each one would be a container or a pallet. I think that's  
2 how you have to look at that claim.

3 JUDGE EASTHOM: So, the plurality comprises at least --

4 MR. KENT: Right, it's not a storage unit comprises a plurality of  
5 containers or pallets.

6 JUDGE EASTHOM: Okay.

7 JUDGE HAIRSTON: Okay, any other questions?

8 JUDGE EASTHOM: No, thank you.

9 JUDGE NAPPI: No, thank you.

10 MR. KENT: I appreciate your time.

11 JUDGE HAIRSTON: Thank you, counsel.

12 MR. KENT: Thank you, very much.

13 (Whereupon, the proceedings concluded on April 15, 2008.)